

# Court of Appeals, Division One

## Civil Appeal

# 1 CA-CV 15-0318

# WEBSTER v. WINDSONG et al.

### Appellate Case Information

Case Filed: 15-May-2015

Case Closed:

### Dept/Composition

#### Department D

Hon. Andrew W. Gould

Hon. Peter B Swann

Hon. Patricia A Orozco

### Side 1. JAMES A. WEBSTER, Plaintiff/Appellant

(Litigant Group) JAMES A WEBSTER

- James A Webster

### Co-Counsel for: Plaintiff/Appellant

Scott E Boehm, Esq. (AZ Bar No. 6603)

Arthur E Lloyd, Esq. (AZ Bar No. 10049)

J Robert Tolman, Esq. (AZ Bar No. 3864)

### Side 2. WINDSONG MEDICAL ASSOCIATES, P.L.C., a professional limited liability corporation; YING WANG, M.D., Defendant/Appellee

(Litigant Group) WINDSONG MEDICAL ASSOCIATES PLC/WANG

- Windsong Medical Associates PLC

- Ying Wang, MD

### Attorneys for: Defendants/Appellees

Eileen Dennis GilBride, Esq. (AZ Bar No. 9220)

Stephen A Bullington, Esq. (AZ Bar No. 12072)

### CASE STATUS

Dec 30, 2016....Decision Rendered

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
YAV P1300CV201101623	Wrongful Death		Patricia A Trebesch, Authoring Judge of Order		

### DESCENDENT CASE(S)

ASC CV-17-0042-PR

### 2 OPEN DUE DATES

#### Motion for Reconsideration due

Due By: Tuesday, January 17, 2017

Re: MEMORANDUM DECISION (Affirmed in Part, Reversed in Part, Remanded) Hon Peter B Swann - Author;

Hon Andrew W Gould - Concur; Hon Patricia A Orozco - Concur

#### Petition for Review to ASC due

Due By: Monday, February 6, 2017

[1 extension]

Re: MEMORANDUM DECISION (Affirmed in Part, Reversed in Part, Remanded) Hon Peter B Swann - Author;

Hon Andrew W Gould - Concur; Hon Patricia A Orozco - Concur

### PENDING MATTER

#### General Motion

Filed: 3-Jan-2017

Appellant James A Websters Verified Statement of Cost on Appeal (Appellant)

### CASE DECISION

#### 30-Dec-2016 MEMORANDUM DECISION

Peter Swann.....Author

Andrew Gould.....Concur

Patricia Orozco.....Concur

Filed: 30-Dec-2016

Mandate:

Decision Disposition

**Affirmed in Part**

**Reversed in Part**

**Remanded**

### 43 PROCEEDING ENTRIES

1. 15-May-2015 FILED: Index of Record, Notice of Appeal from Yavapai County Superior Court filed 05/06/15

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2. 15-May-2015 FILED: e-Record on Appeal:  
Instruments/Minute Entries  
e-Exhibits: 1 2-1 2-2 3 4 5 6 7 8 21 35 109 110
3. 22-May-2015 FILED: Notice of Association of Counsel; Certificate of Service (Appellees)
4. 26-May-2015 FILED: Notice to Parties re: Appellant's Fee/Case Management Statement/Brief Due
5. 26-May-2015 FILED: Notice of Paying Filing Fee; Certificate of Service (Appellee)
6. 27-May-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record
7. 28-May-2015 RECEIPT No.: 2015-00740 ; \$140.00, Authorization: #47021336052, Applied to: WINDSONG MEDICAL ASSOCIATES PLC/WANG - Class B Filing Fee (\$140.00) Paid for: Jones Skelton & Hochuli PLC - By Integrated Resource Systems
8. 28-May-2015 FILED: Notice of Payment of Filing Fee; Certificate of Service for Notice of Payment of Filing Fee (Appellant)
9. 28-May-2015 FILED: Case Management Statement; Certificate of Service for Case Management Statement (Appellant)
10. 3-Jun-2015 RECEIPT No.: 2015-00762 ; \$280.00, Authorization: 53013229763, Applied to: JAMES A WEBSTER - Class A Filing Fee (\$280.00) Paid for: Law Office of Scott E Boehm PC - By Integrated Resource Systems IN
11. 5-Jun-2015 FILED: Appellee's Notice re: Appellee's Fee/Appellant's Brief Due
12. 9-Jun-2015 FILED: Reporter's Transcript - 2/3/15 (Mina G Hunt) (Appellant)
13. 9-Jun-2015 FILED: Reporter's Transcript - 2/4/15 (Mina G Hunt) (Appellant)
14. 9-Jun-2015 FILED: Reporter's Transcript - 2/5/15 (Mina G Hunt) (Appellant)
15. 9-Jun-2015 FILED: Reporter's Transcript - 2/6/15 (Mina G Hunt) (Appellant)
16. 9-Jun-2015 FILED: Reporter's Transcript - 2/10/15 (Mina G Hunt) (Appellant)
17. 9-Jun-2015 FILED: Reporter's Transcript - 2/11/15 (Mina G Hunt) (Appellant)
18. 9-Jun-2015 FILED: Reporter's Transcript - 2/12/15 (Mina G Hunt) (Appellant)
19. 9-Jun-2015 FILED: NOTICE OF FILING AND SERVICE OF TEN TRIAL COURT TRANSCRIPTS FOR APPEAL; CERTIFICATE OF SERVICE FOR NOTICE OF FILING AND SERVICE OF TEN TRIAL COURT TRANSCRIPTS FOR APPEAL (Appellant)
20. 9-Jun-2015 FILED: Reporter's Transcript - 1/5/15 (Mina G Hunt) (Appellant)
21. 9-Jun-2015 FILED: Reporter's Transcript - 1/8/15 (Mina G Hunt) (Appellant)
22. 9-Jun-2015 FILED: Reporter's Transcript - 1/30/15 (Christine Anne Olesek) (Appellant)
23. 12-Jun-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record
24. 23-Jul-2015 FILED: Unopposed Motion for Procedural Order Extending Time to File Opening Brief; Certificate of Service (Appellant)
25. 24-Jul-2015 ORDERED: Unopposed Motion for Procedural Order Extending Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 07-27-2015 to Wednesday, 08-26-2015. Barbara Vidal Vaught ProTem Judge - Author
26. 26-Aug-2015 FILED: Opening Brief of Appellant James A Webster; Certificate of Compliance for Opening Brief of Appellant James A Webster; Certificate of Service for Opening Brief of Appellant James A Webster
27. 27-Aug-2015 FILED: Appellant James A. Webster's Request for Oral Argument; Certificate of Service Appellant James A. Webster's Request for Oral Argument (Appellant)
28. 12-Oct-2015 FILED: Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
29. 6-Nov-2015 FILED: Unopposed Motion for Procedural Order Extending Time to File Reply Brief; Certificate of Service (Appellant)
30. 9-Nov-2015 ORDERED: Unopposed Motion for Procedural Order Extending Time to File Reply Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 11-09-2015 to Wednesday, 12-09-2015. Melina Brill ProTem Judge - Author

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31.	9-Dec-2015	FILED: Reply Brief of Appellant James A Webster; Certificate of Compliance for Reply Brief of Appellant James A Webster; Certificate of Service for Reply Brief of Appellant James A Webster
32.	12-Jan-2016	ORDERED: Appellant James A. Webster's Request for Oral Argument (Appellant) = GRANTED. Hon Michael J Brown - Author
33.	30-Mar-2016	FILED: Notice of Change of Firm Address; Certificate of Service (Appellee)
34.	29-Aug-2016	CLNDR: MONTHLY COURT CASE CALENDAR, Department D, 10-12-16, 11:00 am, COURTROOM 2.
35.	2-Sep-2016	ORDERED: vacating oral argument on 10/12/2016 at 11:00 am, and resetting oral argument to 10/12/2016 at 10:15 am. in Courtroom 2 before Department D. Hon Andrew W Gould - Author
36.	6-Sep-2016	FILED: Notice of Oral Argument
37.	6-Sep-2016	FILED: Receipt for Notice of Oral Argument, signed by Eileen Dennis Gilbride on 09/06/2016 (Appellee)
38.	6-Sep-2016	FILED: Receipt for Notice of Oral Argument, signed by Scott E Boehm on 09/06/2016 (Appellant)
39.	12-Oct-2016	FILED: Sign-in Sheet/Case is Under Advisement as of 10/12/2016 (Dept D)
40.	30-Dec-2016	MEMORANDUM DECISION (Affirmed in Part, Reversed in Part, Remanded) Hon Peter B Swann - Author; Hon Andrew W Gould - Concur; Hon Patricia A Orozco - Concur
41.	30-Dec-2016	FILED: Memorandum Decision Distribution List
42.	3-Jan-2017	FILED: Appellant James A Websters Verified Statement of Cost on Appeal; Certificate of Service (Appellant)
43.	27-Jan-2017	FILED: ASC Order filed 01/27/2017 re: extending time for filing Petition for Review to 02/06/2017